

MEMO ENDORSED

CHIAACCHIA & FLEMING, LLP ATTORNEYS AT LAW

5113 South Park Avenue
Hamburg, New York 14075
Telephone: 716-648-3030
Fax: 716-648-0810
www.cf-legal.com

CHRISTEN ARCHER PIERROT
ASSOCIATE

e-mail: cap@cf-legal.com

May 21, 2008

*Application Brought to Court
May 22, 2008
Hon. Charles L. Bricant*

CAP

Via Fax 914-390-4085
Hon. Charles L. Bricant
District Court Judge
United States Courthouse
300 Quarropas Street, Room 275
White Plains, New York 10601

RE: Carroll v. City of Mount Vernon, et al.
Index No. 07-CV-11577

Dear Judge Bricant:

I am writing to respectfully request an extension of time to file an Amended Summons and Complaint on the above captioned matter. I understand that my paralegal, Melissa, had a telephone discussion with Alice Cama today explaining that we had mailed our Amended Complaint on May 7th via regular mail. In her conversation with the Clerk's office, it was determined that the clerk never received the complaint, stating that must have been lost in the mail.

I am requesting an extension of three days to file and serve the Amended Complaint, please note that we will be sending same to the Court **today** via Federal Express as suggested by the Court Clerk.

Please be further advised that I have spoken with opposing counsel, Howard Miller, and he has graciously consented to this request.

Thank you for your kind consideration in this matter.

Sincerely yours,


CHIACCHIA & FLEMING, LLP
Christen Archer Pierrot

CAP/mns

Cc: Howard Miller, Esq. (Via fax)
Jessica Satriano, Esq. (Via fax)

File: S:\MyFiles\CLIENTS\Carroll, Joseph\Mount Vernon, IU\Mr. Judge Bryant 52108.wpd